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OFFICE OF PETITIONS

In re Application of
STEVEN TISCHER
Application No. 10/736,440
Filed: December 15, 2003
Attorney Docket No. 030516 (BLL0145US)

ON PETITION

This is a decision on the petition under 37 CFR 1.181 (no fee), filed March 2, 2010, requesting withdrawal of the holding of abandonment in the above-identified application which, for the reasons stated below, is being treated as a request for a two (2) month extension of time.

The request for a two (2) months extension of time is **GRANTED**.

The record shows that a Pre-Brief Appeal Conference Decision was mailed on December 7, 2009, which set a one (1) month shortened statutory period for reply. Accordingly, a reply was due on or before January 7, 2010, or on or before March 7, 2010, with the submission of a request for two-month extension of time and fee pursuant to the provisions of 37 CFR 1.136(a). Since petitioner may obtain an extension of time up to an including five (5) months, this case is not in fact abandoned. Accordingly, the filing of a petition to revive or a request for withdrawing the holding of abandonment is inappropriate until the maximum extendable period for reply has expired.

In view of the above, the request for two (2) months extension of time, filed March 3, 2010, has been granted.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Inquiries concerning this decision may be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to Technology center Group AU 2626 for processing the Appeal Brief filed March 3, 2010.

/Ramesh Krishnamurthy/
Ramesh Krishnamurthy
Petitions Examiner
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